

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7750

BRUCE A. SETTERBERG; EUGENIO DUQUESNE; WILLIAM
A. KINSLER; CHARLES ARTHUR BENNETT,

Plaintiffs - Appellants,

and

RICKY A. PIERCE; JAMES D. HABURN, SR.,

Plaintiffs,

versus

JIM HUNT, Governor; NORTH CAROLINA GENERAL
ASSEMBLY; NORTH CAROLINA DEPARTMENT OF COR-
RECTIONS; NORTH CAROLINA PAROLE COMMISSION;
NORTH CAROLINA BAR ASSOCIATION; W. EARL BRITT;
MALCOLM J. HOWARD; TERRENCE W. BOYLE; W. K.
JONES,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. James C. Fox, Chief District
Judge. (CA-95-505-5-F)

Submitted: January 18, 1996

Decided: February 22, 1996

Before HAMILTON and LUTTIG, Circuit Judges, and CHAPMAN, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Bruce A. Setterberg, Eugenio Duquesne, William A. Kinsler, Charles
Arthur Bennett, Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellants noted this appeal outside the thirty-day appeal period established by Fed. R. App. P. 4(a)(1), failed to obtain an extension of the appeal period within the additional thirty-day period provided by Fed. R. App. P. 4(a)(5), and are not entitled to relief under Fed. R. App. P. 4(a)(6). The time periods established by Fed. R. App. P. 4 are "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). The district court entered its order on September 8, 1995; Appellants' notice of appeal was filed on October 31, 1995. Appellants' failure to note a timely appeal or obtain an extension of the appeal period deprives this court of jurisdiction to consider this case. We therefore dismiss the appeal. In light of the disposition of this appeal, we deny Appellants' motions to file an amended complaint, for discovery, to appoint counsel, for setting pretrial release conditions, application for writs of appearance, motion for relief from judgment, and request for service. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED